

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1358 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 6-1.1-23-5 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) If the delinquent
5 taxes, penalties, and collection expenses are not paid before the time
6 set for the sale, the county treasurer shall sell sufficient personal
7 property of the taxpayer to pay the delinquent taxes, penalties, and
8 collection expenses. The county treasurer shall, at the time and place
9 designated in the notice, sell the personal property at public auction to
10 the highest bidder. The county treasurer shall keep a record of all sales
11 in the form prescribed by the state board of accounts. The proceeds of
12 the sale shall be paid into the county treasury and applied as follows:
13 (1) first, to the collection expenses;
14 (2) second, to the payment of the delinquent taxes and penalties;
15 (3) third, to the payment of other tax delinquencies of the taxpayer
16 in the order provided in subsection (b) of this section; and
17 (4) fourth, any balance remaining shall be paid to the delinquent
18 taxpayer.
19 (b) Any surplus funds to be applied to the other delinquent taxes of
20 a taxpayer under subsection (a)(3) of this section or under ~~IC 6-1.1-24-7~~,
21 ~~6-1.1-24-7(a)(2)~~ **IC 6-1.1-24-7(a)(3)** shall be applied as follows:
22 (1) first, to the payment of delinquent personal property taxes owed
23 in the county by the taxpayer;
24 (2) second, to the payment of delinquent real property taxes owed
25 in the county by the taxpayer; and
26 (3) third, to the payment of delinquent personal property taxes owed
27 by the taxpayer and certified from another county."
28 Page 5, between lines 17 and 18, begin a new paragraph and insert:
29 "SECTION 5. IC 6-1.1-24-7 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) When real
31 property is sold under this chapter, the purchaser at the sale shall

1 immediately pay the amount of the bid to the county treasurer. The
2 county treasurer shall apply the payment in the following manner:

- 3 (1) first, to the taxes, special assessments, penalties, and costs
- 4 described in section 5(e) of this chapter;
- 5 (2) second, to other delinquent property taxes in the manner
- 6 provided in IC 6-1.1-23-5(b); and
- 7 (3) third, to a separate "tax sale surplus fund".

8 **(b) Except as provided in subsection (c), the:**

- 9 (1) owner of record of the real property at the time the tax deed is
- 10 issued who is divested of ownership by the issuance of a tax deed;

11 **(2) guardian or personal representative of the estate of a**
12 **person described in subdivision (1); or**

- 13 ~~(2)~~ **(3) tax sale purchaser or purchaser's assignee, upon**
14 **redemption of the tract or item of real property;**

15 may file a verified claim for money which is deposited in the tax sale
16 surplus fund. If the claim is approved by the county auditor and the
17 county treasurer, the county auditor shall issue a warrant to the
18 claimant for the amount due.

19 ~~(c) If the person described in subsection (b)(1) acquired the property~~
20 ~~from a delinquent taxpayer after the property was sold at a tax sale~~
21 ~~under this chapter the county auditor may not issue a warrant to the~~
22 ~~person unless the person is named on a tax sale surplus fund disclosure~~
23 ~~form filed with the county auditor under IC 32-21-8.~~

24 **(c) This subsection applies only to the following:**

- 25 **(1) A person described in subsection (b)(1) who acquires the**
26 **property from a delinquent taxpayer after the property was**
27 **sold at a tax sale under this chapter.**

- 28 **(2) A person named as the attorney in fact in a power of**
29 **attorney executed by a person:**

30 **(A) described in subsection (b)(1); and**

31 **(B) who acquired the property from a delinquent taxpayer**
32 **after the property was sold at a tax sale under this chapter.**

- 33 **(3) A person who is not described in subsection (b)(1).**

34 **The county auditor may issue a warrant to a person subject to this**
35 **subsection only if the court having jurisdiction over the tax sale of**
36 **the parcel for which the surplus is sought orders the county auditor**
37 **to issue a warrant to the person. To be eligible to receive a warrant**
38 **under this subsection, the person must petition the court and**
39 **receive the order not later than three (3) years after the date of**
40 **sale.**

41 (d) An amount deposited in the tax sale surplus fund shall be
42 transferred by the county auditor to the county general fund and may
43 not be disbursed under subsection (b) if it is not claimed within the
44 three (3) year period after the date of its receipt.

45 (e) If an amount applied to taxes under this section is later paid out
46 of the county general fund to the purchaser or the purchaser's successor
47 due to the invalidity of the sale, all the taxes shall be reinstated and

1 recharged to the tax duplicate and collected in the same manner as if
2 the property had not been offered for sale.

3 (f) When a refund is made to any purchaser or purchaser's successor
4 by reason of the invalidity of a sale, the county auditor shall, at the
5 December settlement immediately following the refund, deduct the
6 amount of the refund from the gross collections in the taxing district in
7 which the land lies and shall pay that amount into the county general
8 fund."

9 Page 17, after line 33, begin a new paragraph and insert:
10 "SECTION 11. IC 32-21-8 IS REPEALED [EFFECTIVE JULY 1,
11 2009].".
12 Renumber all SECTIONS consecutively.
(Reference is to EHB 1358 as printed March 13, 2009.)

Senator LANANE